

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

FRED EUGENE JONES, JR.,)	
Petitioner,)	Civil Action No. 7:19cv00533
)	
v.)	MEMORANDUM OPINION
)	
LARRY EDMONDS,)	By: Michael F. Urbanski
Respondent.)	Chief United States District Judge

By order entered August 5, 2019, the court conditionally filed Jones' petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. See ECF No. 4. In the conditional filing order, the court denied Jones' application for leave to proceed in forma pauperis because it was incomplete and ordered Jones to either pay the filing fee, execute and return a consent to withholding of fees form, or re-apply to proceed in forma pauperis. Id. The court advised Jones that failure to comply with the court's order within twenty days would result in the dismissal of his petition. Jones did not respond to the court's order.

Inasmuch as the time to respond has passed and Jones has failed to comply with the court's order, the court will dismiss this action without prejudice. Further, based upon the finding that Jones has not made the requisite substantial showing of a denial of a constitutional right as required by 28 U.S.C. § 2253(c) and Slack v. McDaniel, 529 U.S. 473, 484 (2000), the court will deny a certificate of appealability. Jones may re-file his claims in a separate action, subject to the applicable statute of limitations.

ENTER: This 16th day of September, 2019.

/s/ Michael F. Urbanski

Chief United States District Judge